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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/524,213

03/13/2000

Barry Farris

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01/08/2004

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EXAMINER

MAUST, TIMOTHY LEWIS

ART UNIT

PAPER NUMBER

3751

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17

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 17

Application Number: 09/524,213
Filing Date: March 13, 2000
Appellant(s): FARRIS, BARRY

Bernhard Kreten
For Appellant

MAILED
JAN 08 2004
GROUP 3700

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/24/03.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 24-38 and 41-48 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

Art Unit: 3751

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 24-38 and 41-48 rejected under 35 U.S.C. 102(b). This rejection is set forth in prior Office Action, Paper No. 13.

(11) Response to Argument

Refer to the "Grounds of Rejection" and the following.

The whereby statement, in claim 24, that "nonliquid can be transferred from the ampule without an interconnecting needle after removing said cap,..." is clearly functional language which is additionally met by merely squeezing air (i.e., non-liquid) from the ampule.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Timothy L. Maust
Primary Examiner
Art Unit 3751

tlm

January 7, 2004

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